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NEW YORK, NEW YORK 10036-2787

TELEPHONE: (1-212) 819-8200
FACSIMILE: (1-212) 354-8113

DIRECT DIAL: 1-212-819-8437

E-MAIL: AFessak@whitacase.com

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FACSIMILE TRANSMISSION

Date: July 30, 2002 No. of Pages (including cover): 6
To: Examiner Maurie Garcia Fax Number: 1-703-746-5246
U.S. Patent and Trademark Office Contact Number: 1-703-308-0065
From: Andrew Fessak Reference No.: 1103326-0654
Re: U.S. Patent Appln. Serial No. 09/762,320

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Dear Examiner Garcia,

Thank you for your telephone call earlier today. In accordance with your request, I am resubmitting a Petition For Withdrawal of Premature Office Action, previously submitted by facsimile on April 17, 2002, for filing in the referenced application. I am also sending a copy of our transmission report showing successful transmittal of the Petition to the PTO, as well as a copy of the PTO's return receipt facsimile confirming receipt of the Petition.

Please do not hesitate to contact us if you have any questions.

Sincerely,

Andrew Fessak

Andrew Fessak
Reg. No. 48,528

1103326-0654

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Patrick Page
Serial No. : 09/762,320
Filed : February 6, 2001
For : FUNCTIONALIZED POLYMERIC REAGENTS
Examiner : M. Garcia
Group Art Unit : 1627

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. 1.8

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on April 17, 2001 at the facsimile number 703-872-9306.

Andrew Fessak 48,528
Agent Name PTO Reg. No.
Andrew Fessak 4/17/02
Signature Date of Signature

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Group 1627
Assistant Commissioner for Patents
Washington, D.C. 20231

ATTENTION: Examiner M. Garcia
FACSIMILE NO: 703-872-9306
DATE: April 17, 2002
PAGES: 3 pages

**PETITION FOR WITHDRAWAL OF
PREMATURE OFFICE ACTION**

Sir:

This Petition is in response to the Office Action, mailed April 5, 2002. Applicants respectfully submit that the Office Action is premature for the reasons discussed below.

Withdrawal of the premature Office Action is therefore requested.

REMARKS

The referenced application was filed pursuant to 37 C.F.R. §371 and is the designated U.S. family member of International Application No. PCT/SE00/02263, filed November 16, 2000 (the "PCT application"). The PCT application claims priority to a Swedish priority date of November 22, 1999. As evidenced by the Transmittal Letter to the United States Designated Office (DO/US) that accompanied the referenced application, filed February 6, 2001, Applicants expressly indicated that United States national stage processing of the PCT application may commence at the expiration of the applicable time limit under PCT Articles 22 and 39(1) pursuant to the provisions of 35 U.S.C. §371(b).

A Notification of Acceptance of Application under 35 U.S.C. §371 and 37 C.F.R. §1.494 or 1.495 (Form PCT/DO/EO/903) (the "Notification") was mailed December 6, 2001. A Demand was received by the IPEA on May 22, 2001, i.e., within 19 months of the priority date of November 22, 1999. On April 5, 2002, a first Office Action was issued.

PCT Article 40 provides the following:

Delaying of National Examination and Other Processing

(1) If the election of any Contracting State has been effected prior to the expiration of the 19th month from the priority date, the provisions of Article 23 shall not apply to such State and the national Office of or acting for the State shall not proceed, subject to the provisions of paragraph (2), to the examination and other processing of the international application prior to the applicable time limit under Article 39.

(2) Notwithstanding the provisions of paragraph (1), any elected Office may, on the express request of the applicant, proceed to the examination and other processing of the international application at any time.

Pursuant to PCT Article 40, the national Office of the Contracting State will not proceed to the examination and other processing of the international application prior to the expiration of the applicable time limit under Article 39 unless expressly requested by the applicant. The time

limits under PCT Article 39 is 30 months from the earliest claimed priority date, November 22, 1999.

Since the Demand, with the U.S. being elected, was filed before the expiration of the 19th month from the earliest priority date and there was no request made under the PCT Article 40(2) for an early examination, examination of the referenced application may not commence until the 30 month time limit under PCT Article 39 has expired. Specifically, examination must not begin before May 22, 2002.

Because the first Office Action of April 5, 2002 was issued before the expiration of the time limit under PCT Article 39, it is an improper action pursuant to PCT Article 40 and should be vacated.

No fee should be due in connection with this communication. However, should it be deemed that a fee is required for any reason, the Assistant Commissioner is hereby authorized to charge it to Deposit Account No. 23-1703.

Dated: April 17, 2002

Respectfully submitted,

Andrew Fessak

Andrew Fessak
Reg. No. 48,528
Agent for Applicants

Customer No. 007470
Agent's Direct Line: (212) 819-8437

FROM W&C LLP NY FAX DEPT

Filed

For

Examiner

Group Art Unit

(TUE) 7.30' 02 15:15/ST. 15:13/NO. 4260454814 P 5
February 6, 2002

FUNCTIONALIZED POLYMERIC
REAGENTS

M. Garcia

1627

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. 1.8	
I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on April 17, 2002 at the facsimile number 703-872-9306.	
Andrew Fessak Agent Name	48,528 PTO Reg. No.
Andrew Fessak Signature	4/17/02 Date of Signature

Group 1627

Assistant Commissioner for Patents
Washington, D.C. 20231

ATTENTION: Examiner M. Garcia
FACSIMILE NO: 703-872-9306
DATE: April 17, 2002
PAGES: 3 pages

**PETITION FOR WITHDRAWAL OF
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For

**PETITION FOR WITHDRAWAL OF
PREMATURE OFFICE ACTION**

5 pages

EXAMINER: M. Garcia

DATE: April 17, 2002

PACSMILE NO: 703-672-8106

WASHINGTON, D.C. 20531

Classified 1627

Assistant Commissioner for Patents

Office of the Commissioner for Patents

1103 26-0654

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: **FUNCTIONALIZED POLYMERIC
REAGENTS**

Serial No. 09/762,300

Filed February 6, 2001

For **REAGENTS**

Examined: **ML Garcia**

Group Art Unit 1627

Signature: **ML Garcia**

Date of Signature: **4/17/02**

Agent Name: **W&C LLP**

Agent No. **703-672-8106**

is the inventor number 09-762,300

on April 17, 2001

presented to the U.S. Patent and Trademark Office

1. I hereby certify that this report is being submitted

COMPLIANCE OF TRANSMISSION UNDER 37 C.F.R. 1.8

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